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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,100	12/29/2000	Eric D. Fagerburg	10559/322001/P9683	8242

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FISH & RICHARDSON, PC
12390 EL CAMINO REAL
SAN DIEGO, CA 92130-2081

EXAMINER

OSMAN, RAMY M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,100

Applicant(s)

FAGERBURG ET AL.

Examiner

Ramy M Osman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 16 objected to because of the following informalities:

Change "method" to "article".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Coman et al.

U.S. Patent No. 6,438,619) in view of Huntsman (U.S. Patent No. 5,949,412).

4. In reference to claim 1, Coman teaches a method comprising:

prompting a first user at a machine for permission for a second user at a machine remotely-located from the first machine to control the first machine; and if the first user grants permission, enabling the second user to use the first machine through the machine remotely-located from the first machine (Abstract, column 3 lines 40-67 and column 5 line 15 – column 6 line 45, Coman discloses prompting a remote computer for permission for a host system to remotely control the remote computer system so it can process data and command instructions from the host system onto the remote computer).

Coman does not explicitly teach wherein the first machine is a UNIX-based machine. However, Huntsman teaches a remote control system for remotely controlling a UNIX-based or other windowed platformed machine (Abstract and column 8 lines 40-67).

It would have been obvious for one of ordinary skill in the art to modify Coman by making the first user machine a UNIX-based machine as per the teachings of Huntsman so that UNIX systems can be controlled remotely by other users over a network or the Internet.

5. In reference to claim 2, Coman teaches the method of claim 1 in which the prompting comprises making the prompt known to the first user by displaying information on a display of the UNIX-based machine (column 3 lines 40-67 and column 5 line 15 – column 6 line 45).

6. In reference to claim 3, Coman teaches the method of claim 1 in which the second user uses the UNIX-based machine through the machine remotely-located from the UNIX-based machine as if the second user was directly using the UNIX-based machine (abstract, column 3 line 40 – column 4 line 40 and column 5 line 15 – column 6 line 45).

7. In reference to claims 4 and 5, Coman teaches the method of claim 1. Coman does not explicitly teach replicating current contents of a screen on the of the UNIX-based machine onto a new screen running in a background of the UNIX-based machine. However, Huntsman teaches replicating screen of (UNIX) remote computer (column 5, column 8 lines 40-67 and column 9 line 1 – column 10 line 35).

It would have been obvious for one of ordinary skill in the art to modify Coman by replicating the screen of the UNIX-based machine as per the teachings of Huntsman so that UNIX systems can be controlled remotely by users over a network or the Internet.

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8. In reference to claim 6, Coman teaches the method of claim 4. Coman does not explicitly teach to replace the current contents of the screen on the UNIX-based machine with the new screen. However, Huntsman teaches changing/replacing the screen of (UNIX) remote computer with a new screen (column 5, column 8 lines 40-67 and column 9 line 1 – column 10 line 35).

It would have been obvious for one of ordinary skill in the art to modify Coman by changing the screen of the UNIX-based machine as per the teachings of Huntsman so that UNIX systems being controlled remotely over a network/Internet can reflect any changes in the visual state of the screen.

9. In reference to claim 7, Coman teaches the method of claim 1 in which the using of the UNIX-based machine includes issuing text commands to the UNIX-based machine from the machine remotely-located from the UNIX-based machine (abstract, column 3 line 40 – column 4 line 40 and column 5 line 15 – column 6 line 45).

10. In reference to claim 8, Coman teaches the method of claim 1 further causing a machine to, if the first user does not grant permission, prevent the second user from using the UNIX-based machine through the machine remotely-located from the UNIX-based machine (abstract, column 3 line 40 – column 4 line 40 and column 5 line 15 – column 6 line 45).

11. In reference to claim 10, Coman teaches the method of claim 1 in which the prompting is text-based (column 3 lines 40-67 and column 5 line 15 – column 6 line 45).

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12. Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Coman et al. (U.S. Patent No. 6,438,619) in view of Huntsman (U.S. Patent No. 5,949,412) in view of Edwards (US Patent No. 6,594,686).

In reference to claim 9, Coman in view of Huntsman teach the method of claim 1. Coman in view of Huntsman do not explicitly teach if the first user at the UNIX-based machine does not respond to the prompting within a certain threshold time, enable by default the second user to use the UNIX-based. However, Edwards teaches software which takes default action if a user response is not received within a certain time (column 3 and column 8 lines 25-40).

It would have been obvious for one of ordinary skill in the art to modify Coman by making a default action occur if a user does not respond within a certain time as per the teachings of Edwards so that UNIX systems can be controlled remotely over a network/Internet if there is no user attending the UNIX system.

13. Claims 11-30 do not teach any new limitations above claims 1-10 and are therefore rejected for the above mentioned reasons.

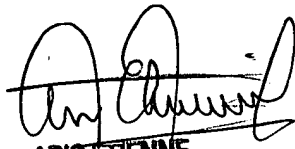
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (703) 305-8050. The examiner can normally be reached on Monday through Friday 9AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 305-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO
April 2, 2004



ARIO ETIENNE
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